IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 1036 (S/S) of 2006

Kripal Singh Pawar,
Son of Sri Sher Singh Pawar,
R/o Village Gaud, P.O. – Krishu,
District – Pauri Garhwal,
Presently working as Village Development Officer,
Dwarikhal,
District – Pauri Garhwal. **……Petitioner**

V e r s u s

1. State of Uttaranchal through its Secretary, Village Development and Panchayati Raj, Uttaranchal, Dehradun.
2. State of Uttar Pradesh through its Secretary, Village Development and Panchayati Raj, Lucknow.
3. Commissioner, Village Development and Panchayati Raj Directorate, Dehradun.
4. District Development Officer / District Magistrate, Pauri Garhwal.

……Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri Raman Kumar Shah, learned counsel for the petitioner, Smt. Beena Pandey, learned counsel for State of Uttar Pradesh on behalf of respondent no. 2 and Sri Paresh Tripathi, learned counsel for State of Uttaranchal on behalf of respondents no. 1, 3 and 4.

By means of this writ petition, petitioner has prayed for the following reliefs:

(a) *issue a writ, order or direction in the nature of Mandamus directing the respondents to decide the representation of the petitioner dated 09.01.2006 according to the seniority list.*

(b) *issue a writ, order or direction in the nature of Mandamus directing the respondent no. 3 not to publish*

the final seniority list before deciding the representation of the petitioner dated 09.01.2006.

(c) *issue any suitable writ, order or direction, which this Hon'ble Court may deem fit and proper in the circumstances of the case.*

(d) *Award the cost of the writ petition to the petitioner.*

The submission of the learned counsel for the petitioner is that petitioner was appointed as Gram Vikas Adhikari on 04.12.1972. A tentative seniority list was published by the department on 05.12.2005 and objection, if any, has been invited from the persons aggrieved with the tentative seniority list. In pursuance to the aforesaid tentative seniority list dated 05.12.2005, petitioner has submitted his objection dated 09.01.2006 to the District Development Officer, Pauri Garhwal, which is Annexure No. 7 to the writ petition.

The submission of the petitioner is that respondents are going to finalize the seniority list without considering the objection of the petitioner.

Final seniority list has yet not been published. The apprehension of the petitioner is baseless. However, it is expected from the respondents that before publishing the final seniority list they will consider the objection filed by the petitioner and place the petitioner at right place in the seniority list in accordance with law.

With this direction the writ petition is disposed of. No order as to costs.

(M.M. Ghildiyal, J)

August 1, 2006
SKSharma